

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GERALD MONROE MARTIN and LISA LOUISE MARTIN)	Civil Action No.
Plaintiffs,)	
v.)	
CHASE HOME FINANCE, LLC)	
Defendant.)	

COMPLAINT

1. This is an action for damages brought by an individual consumers for Defendant’s violations of the Telephone Consumer Protection Act, 47 U.S.C. §§ 227, *et seq.* (hereafter the “TCPA”), and other common law claims. These laws prohibit debt collectors from engaging in abusive, deceptive, and unfair collection practices.

PARTIES

2. Plaintiffs Gerald and Lisa Martin are adult individuals residing in Newtown, PA.

3. Defendant Chase Home Finance, LLC is a business entity which regularly conducts business in the Eastern District of Pennsylvania with its principal office located at 343 Thornall Street, Suite 7, Edison, NJ 08818.

JURISDICTION AND VENUE

4. The matter in controversy here exceeds \$75,000.00.

5. Jurisdiction of this Court arises under 28 U.S.C. §§ 1331 & 1332, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.

6. Venue lies in this district pursuant to 28 U.S.C. § 1391(b).

FACTUAL ALLEGATIONS

7. At all pertinent times hereto, Defendant was collecting a debt purportedly owed to Defendant (hereafter the “debt”).

8. The alleged debt at issue arose out of a transaction which was primarily for personal, family or household purposes.

9. At all times relevant hereto, Defendant contacted Plaintiffs by using an automated telephone dialing system (“ATDS”) including but not limited to predictive dialers and/or prerecorded and artificial voice technology to Plaintiffs’ cellular telephones in an attempt to collect the debt.

10. Defendant began contacting Plaintiffs on Plaintiffs’ cellular telephones approximately 30 to 40 times a week in an attempt to collect a debt owed by Plaintiffs for a Chase mortgage and to solicit Plaintiffs to agree to a home loan modification program.

11. Plaintiff Gerald Martin repeatedly advised Defendant to cease contacting him on his cellular telephone and revoked all consent for Defendant to contact his cellular telephone.

12. Plaintiff Lisa Martin never provided her cellular telephone number to Defendant and repeatedly advised Defendant to stop contacting her on her cellular telephone.

13. Notwithstanding the above, Defendant has repeatedly continued to contact Plaintiffs on their cellular telephones by using an ATDS and/or artificial and prerecorded messages in an attempt to collect the debt despite Plaintiff’s instructions to cease all further contact with them on their cellular telephone.

14. Defendant continued contacting Plaintiffs on their cellular telephone at least through June 2014 in an attempt to collect the debt despite Plaintiff’s admonitions.

15. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting within the scope and course of their employment, and under the direct supervision and control of the Defendant herein.

16. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiffs herein.

17. As a result of Defendant's conduct, Plaintiffs have sustained actual damages, including, but not limited to invasion of privacy, out-of-pocket expenses, emotional and mental pain and anguish, embarrassment, humiliation, and pecuniary loss and will continue to suffer same for an indefinite time in the future, all to her great detriment and loss.

COUNT I – VIOLATIONS OF THE TCPA

18. Plaintiffs incorporate the foregoing paragraphs as though the same were set forth at length herein.

19. At all times relevant hereto, Defendant used, controlled and/or operated "automatic telephone dialing systems" as defined by §227(a)(1) of the TCPA.

20. Defendant initiated multiple calls to Plaintiffs' telephone lines using artificial and or prerecorded voices to deliver messages without express consent of Plaintiffs in violation of 47 U.S.C. §§ 227(b)(1)(A)(3) of the TCPA.

21. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent from bona fide error, lawful right, legal defense, legal justification, or legal excuse.

22. As a result of the above violation of the TCPA, Defendant is liable to Plaintiffs in the sum of Plaintiffs' statutory damages, actual damages, and treble damages.

COUNT II – INVASION OF PRIVACY

23. Plaintiffs incorporates the foregoing paragraphs as though the same were set forth at length herein.

24. Defendant's conduct, including but not limited to attempting to collect a debt from Plaintiffs' by using automated dialers and artificial and/or prerecorded messages directed to Plaintiff's cellular telephone despite being repeatedly advised on numerous occasions to discontinue contacting them in this manner, constitutes an invasion of privacy.

25. The conduct of Defendant was a direct and proximate cause, as well as a substantial factor, in bringing about the serious injuries, damages and harm to Plaintiffs that are outlined more fully above and, as a result, Defendant is liable to compensate the Plaintiffs for the full amount of actual, compensatory and punitive damages, as well as such other relief, permitted under the law.

JURY TRIAL DEMAND

26. Plaintiffs demand trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that relief be granted as follows:

- (a) Actual damages;
- (b) Statutory damages;
- (c) Treble damages;
- (d) Punitive damages; and

(e) Such other and further relief as may be just and proper.

Respectfully Submitted,

FRANCIS & MAILMAN, P.C.

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